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ABSTRACT

This document outlines the proposals in Chapter 738 of Assembly Bill 420, including: (1) the California Postsecondary Education Commission should conduct a comprehensive study of the part-time faculty, employment, salary, and compensation patterns of the California Community Colleges; (2) the schedule of salaries should be paid based on a uniform allowance for years of training and years of experience, thereby increasing the responsibilities of community college district governing boards and imposing a state-mandated local program; (3) the term "part-time faculty" should mean any faculty member whose assignment equals or exceeds 40% of the cumulative equivalent of a minimum full-time teaching assignment, and that faculty members no longer must teach in two or more districts; (4) part-time faculty members and his or her eligible dependents should be allowed to participate in the Part-Time Community College Faculty Health Insurance Program without having to wait until the third semester or fourth quarter of teaching; and (5) $500,000 should be appropriated from the General Fund to the Board of Governors of the California Community Colleges in augmentation of a specified item of the Budget Act of 1999 for purposes of the Part-Time Community College Faculty Health Insurance Program. (EMH)

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ED 437 083

Assembly Bill No. 420

CHAPTER 738

An act to amend Sections 87861, 87863, 87883, and 87884 of, to add Section 87482.4 to, and to repeal Section 87865 of, the Education Code, relating to community colleges, and making an appropriation therefor.

[Approved by Governor October 7, 1999. Filed with Secretary of State October 10, 1999.]

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LEGISLATIVE COUNSEL'S DIGEST

AB 420, Wildman. Community colleges: faculty.

(1) Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee.

This bill would require the California Postsecondary Education Commission to conduct a comprehensive study of the part-time faculty, employment, salary, and compensation patterns, as specified, of the California Community Colleges. The bill would require the commission to release its preliminary findings regarding the study to the Legislature and the Governor by March 31, 2000, and would require the completed study to be transmitted to the Legislature and the Governor by July 1, 2000.

(2) Existing law requires the governing board of each community college district to adopt and cause to be printed and made available to each academic employee a schedule of salaries to be paid.

This bill would require the schedule of salaries to be paid to be based on a uniform allowance for years of training and years of experience, thereby increasing the responsibilities of community college district governing boards and imposing a state-mandated local program.

(3) Existing law establishes the Part-Time Community College Faculty Health Insurance Program for the purpose of providing a state incentive program to encourage community college districts to offer health insurance for part-time faculty. Existing law defines "part-time faculty," for the purposes of the program, as any faculty member whose teaching assignment in 2 or more community college districts equals or exceeds the cumulative equivalent of a minimum full-time teaching assignment.

This bill would revise that definition by deleting the requirement that the faculty member teach in 2 or more districts and would define the term, instead, to mean any faculty member whose teaching

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assignment equals or exceeds 40% of the cumulative equivalent of a minimum full-time teaching assignment.

Under existing law, a part-time faculty member and his or her eligible dependents are eligible to participate in the program no earlier than the commencement of the faculty member's 3rd consecutive semester of teaching or 4th consecutive quarter of teaching where the quarter system is used, as specified.

This bill would delete that limitation.

Under existing law, if a part-time faculty member is employed by more than one community college district, and both or all of the community college districts for whom he or she works offers health insurance pursuant to the program, the employee is required to select only one district to provide health insurance coverage.

This bill would repeal that provision.

(4) Existing law authorizes the governing boards of community college districts to provide compensation for office hours to part-time faculty.

The bill would state that this provision does not preclude compensation under the Community College Part-Time Faculty Office Hours Program for paid office time for each 20% of a full-time load, or fraction thereof, as defined by the community college district.

Under existing law, if a governing board of a community college district establishes a program to provide part-time faculty office hours, those hours may not be applied toward the 60% hours per week requirement for determining part-time faculty status.

This bill would additionally provide that those office hours may not be counted toward the hours per week of teaching adult or community college classes for purposes of acquiring eligibility for tenure or for purposes of fulfilling any probationary hour requirements.

(5) The bill would provide that changes made to the Part-time Community College Faculty Health Insurance Program and the Community College Part-time Faculty Office Hours Program by the bill shall not affect any part-time health insurance program or office hour program in effect on January 1, 2000.

(6) The bill would make specified provisions of the bill operative in any fiscal year only if funds are appropriated for purposes of the bill in the annual Budget Act or in another measure. The bill would require the chancellor to prorate the funds among the community college districts affected by the bill if the amount appropriated in the annual Budget Act or in another measure is insufficient to fully fund those provisions.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims

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Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(8) The bill would appropriate $500,000 from the General Fund to the Board of Governors of the California Community Colleges in augmentation of a specified item of the Budget Act of 1999 for purposes of the Part-Time Community College Faculty Health Insurance Program. The funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) California's community colleges have historically hired part-time faculty to meet short-term community needs. By employing working professionals as teachers, this practice has the effect of enriching the curriculum and strengthening the tie between the college and its community.

(b) Part-time faculty also provide hiring flexibility, and often fill voids created by unanticipated enrollment growth. In some cases, part-time faculty are able to provide colleges with technical expertise that regular full-time faculty may lack, and can do so at a lower cost than full-time faculty.

(c) Part-time faculty are usually paid only for the hours they are actually in the classroom, with no compensation for related work performed outside of the classroom, including, but not limited to, research, preparation time, and evaluation of student work.

(d) However, rapidly expanding community colleges are now overusing part-time faculty. Community colleges often utilize part-time positions for financial reasons alone, rather than reasons related to the enhancement of the curriculum. California's Community College system currently employs 67 percent of its teaching force in part-time positions. Temporary contracts are being misused to employ part-time faculty members when the duration and nature of prior service, together with the overall circumstances of the employment relationship, indicate that a full-time position would be more appropriate. This practice is unfair to the part-time faculty member because, as a part-time faculty member, the person will not be able to attain a salary commensurate with the nature and

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type of service that the person has provided to the community college.

(e) The principle of equal pay for equal work requires that part-time faculty be provided compensation that is directly proportionate to full-time faculty employment. In this way, part-time faculty employed in settings that more closely resemble full-time situations will receive compensation that more closely resembles full-time compensation.

SEC. 2. Section 87482.4 is added to the Education Code, to read:

87482.4. (a) The Legislature finds and declares that, in the state's community college system, teaching constitutes a greater share of the faculty workload, as compared to the California State University or the University of California systems. California's community college system requires that a faculty member hold, as a basic qualification, a master's degree. Furthermore, the community college system uses a different professional review process, as compared to the California State University or the University of California systems.

(b) The California Postsecondary Education Commission shall conduct a comprehensive study of the California Community College system's part-time faculty employment, salary, and compensation patterns as they relate to full-time community college faculty with similar education credentials and work experience. The study shall include a representative sample of urban, rural, and suburban community colleges in California and shall also refer to similarly situated community colleges in other states.

(c) The study specified in subdivision (b) shall include, but not necessarily be limited to, the addressing of policy options available to achieve pay equity between community college part-time faculty and full-time faculty and shall also include both of the following:

(1) A quantitative analysis examining duties and tasks of part-time faculty as compared to full-time faculty. The duties and tasks examined shall include classroom teaching, preparation, office hours, recordkeeping, student evaluations, recommendations, and other professional practices that compare the similarities and differences between a part-time and full-time faculty position. This quantitative analysis shall also include both of the following:

(A) An examination of whether part-time faculty salaries vary significantly among community colleges and the factors that are associated with any salary differential.

(B) Data concerning the salary compensation pattern for part-time community college faculty in California and in similarly situated community colleges in other states, and the disparity between part-time and full-time compensation for the equivalent education and experience.

(2) An identification of specific policy and fiscal recommendations that would enable the California Community

Colleges to achieve a compensation schedule that achieves pay equity for part-time faculty.

(d) The California Postsecondary Education Commission shall, in conducting the study required by this section, consult various representatives of the education community, including the Board of Governors of the California Community Colleges, community college faculty groups, and other interested parties.

(e) Notwithstanding Section 7550.5 of the Government Code, the California Postsecondary Education Commission shall release the preliminary findings of the study required by this section to the Legislature and the Governor, on or before March 31, 2000, and shall transmit the study to the Legislature and the Governor on or before July 1, 2000.

(f) It is the intent of the Legislature that funding for conducting the study required by this section shall be made available through an appropriation, either in future legislation or in the annual Budget Act, in an amount of up to one hundred fifty thousand dollars ($150,000).

SEC. 3. Section 87861 of the Education Code is amended to read:

87861. For the purposes of this article:

(a) "Health insurance benefits" include medical benefits but do not include vision or dental benefits.

(b) "Part-time faculty" refers to any faculty member whose teaching assignment equals or exceeds 40 percent of the cumulative equivalent of a minimum full-time teaching assignment.

(c) The changes made to subdivision (b) during the 1999 portion of the 1999–2000 Regular Session of the Legislature shall be operative in any fiscal year only if funds are appropriated for purposes of those changes in the annual Budget Act or in another measure. If the amount appropriated in the annual Budget Act or in another measure for purposes of this section is insufficient to fully fund those changes for the fiscal year, the chancellor shall prorate the funds among the community college districts affected by this section.

SEC. 4. Section 87863 of the Education Code is amended to read:

87863. (a) A part-time faculty member and his or her eligible dependents are eligible to participate in the program established pursuant to this article.

(b) The changes made to subdivision (a) during the 1999 portion of the 1999–2000 Regular Session of the Legislature shall be operative in any fiscal year only if funds are appropriated for purposes of those changes in the annual Budget Act or in another measure. If the amount appropriated in the annual Budget Act or in another measure for purposes of this section is insufficient to fully fund those changes for the fiscal year, the chancellor shall prorate the funds among the community college districts affected by this section.

(c) Any changes made pursuant to this section to the Part-time Community College Faculty Health Insurance Program shall not

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affect any part-time health insurance program in effect on January 1, 2000.

SEC. 5. Section 87865 of the Education Code is repealed.

SEC. 6. Section 87883 of the Education Code is amended to read:

87883. (a) The governing board of a community college district may provide compensation for office hours to part-time faculty.

(b) The compensation paid to part-time faculty under this article shall equal at least one paid office hour for every two classes or more taught each week or 40 percent of a full-time load as defined by the community college district.

(c) Nothing in this section precludes compensation under this program for paid office time for each 20 percent of a full-time load, or fraction thereof, as defined by the community college district.

(d) The change made to subdivision (c) during the 1999 portion of the 1999–2000 Regular Session of the Legislature shall be operative in any fiscal year only if funds are appropriated for purposes of that change in the annual Budget Act or in another measure. If the amount appropriated in the annual Budget Act or in another measure for purposes of this section is insufficient to fully fund that change for the fiscal year, the chancellor shall prorate the funds among the community college districts affected by this section.

SEC. 7. Section 87884 of the Education Code is amended to read:

87884. (a) The governing board of each community college district that establishes a program pursuant to this article shall negotiate with the exclusive bargaining representative, or in instances where there is no bargaining unit shall meet and confer with the faculty, to establish a program to provide part-time faculty office hours.

(b) Any hours negotiated under this program shall not be applied toward the 60-percent requirement as specified in Section 87882. These hours shall not be counted towards the hours per week of teaching adult or community college classes for purposes of acquiring eligibility for tenure or for purposes of fulfilling any probationary hour requirements.

(c) On or before June 1 of each year, each community college district participating in the program shall send a verification to the Chancellor of the California Community Colleges specifying the total costs of the compensation paid for office hours of part-time faculty participating in the program.

(d) Any changes made by this section to the Community College Part-time Faculty Office Hours Program shall not affect any part-time faculty office hours program in effect on January 1, 2000.

SEC. 8. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of

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the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 9. The sum of five hundred thousand dollars ($500,000) is hereby appropriated from the General Fund to the Board of Governors of the California Community Colleges in augmentation of Schedule (p) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999) for purposes of the Part-Time Community College Faculty Health Insurance Program established pursuant to Article 9 (commencing with Section 87860) of Chapter 3 of Part 51 of the Education Code.

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